



UNITED STATES MARINE CORPS
U.S. MARINE CORPS AIR STATION
YUMA, ARIZONA 85369-5000

StaO 12771.1A
3BF
4 Apr 1991

STATION ORDER 12771.1A

From: Commanding Officer
To: Distribution List

Subj: ADMINISTRATIVE GRIEVANCE SYSTEM

Ref: (a) FPM 771 (NOTAL)
(b) CPI 771 (NOTAL)

1. Purpose. To publish the policies and procedures contained in references (a) and (b) for the administrative grievance system.
2. Cancellation. StaO 12771.1.
3. Policy. It is the policy of the Department of the Navy (DON) that grievances be given objective consideration and be resolved promptly.
4. Definitions
 - a. Day. Calendar day.
 - b. Deciding Official. The head of an activity or subordinate manager and supervisor designated to make final decisions on grievances. The deciding official must be at a higher organizational level than any official involved in any phase of the grievance, except when the Secretary of the Navy is involved.
 - c. Employee. A present employee or a former employee for whom a remedy can be provided.
 - d. Fact Finder. An individual appointed by the deciding official to conduct an investigation of a grievance. The fact finder must be a person who has not been involved in the matter being grieved and who does not occupy a position subordinate to any official who recommended, advised, made a decision on, or who otherwise is or was involved in the matter being grieved. The fact finder may be an employee of the activity, an employee of another activity, an employee of the Office of Civilian Personnel Management Regional Office, or an individual contracted for this purpose.
 - e. Grievance. A written request by an employee, or a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction relating to the employment of the employee(s) which is subject to the control of the Commanding Officer. Letters of reprimand or requirement and suspensions of 14 days or less may be grieved.

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f. Hearing Examiner. An individual authorized by a deciding official to conduct a hearing on a grievance. The hearing examiner will be an employee of Office of Civilian Personnel Management trained in the conduct of hearings and must be a person who has not occupied a position subordinate to any official who recommended, advised, made a decision on, or who otherwise is or was involved in the matter being grieved.

g. Personal Relief. A specific remedy directly benefiting the grievant(s). A request for disciplinary or other action affecting another employee is not an acceptable form of personal relief.

5. Applicability. This Station Order applies to all Marine Corps Air Station, Yuma, Arizona, employees and all employees of the Commissary Store, Yuma, except:

a. Employees of nonappropriated fund instrumentalities.

b. An applicant for employment who does not meet the definition of an employee in paragraph 3, above.

c. Employees excluded by 5 Code of Federal Regulations (CFR) 771.206(b)(1) through (4).

6. Grievance Coverage. This Station Order applies to any grievance as defined in paragraph 3d, above, except for:

a. The content of published regulations and policy.

b. A decision which is appealable to the Merit Systems Protection Board, or subject to final administrative review by the Office of Personnel Management or the Equal Employment Opportunity Commission under law or regulations of the Office or the Commission.

c. Nonselection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion.

d. A preliminary warning notice of an action which, if effected, would be covered under this order or excluded from coverage by paragraph 5b, above.

e. An action which terminates a temporary promotion within a maximum period of two years and returns the employee to the position from which temporarily promoted or reassigns or demotes the employee to a different position that is not at a lower grade or pay than the position from which temporarily promoted.

f. An action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay.

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g. The substance of the critical elements and performance standards of an employee's position which have been established under the requirements of Subchapter I of Chapter 43 of Title 5 U.S.C.

h. The granting of or failure to grant an employee performance award or the amount of the award; the adoption of or failure to adopt an employee suggestion or invention; and the granting of or failure to grant an award of the rank of meritorious or distinguished executive.

i. The receipt of or failure to receive a quality salary increase.

j. A decision to grant or not to grant a general increase, merit increase, or performance award under the Performance Management and Recognition System, or a decision on the granting of or failure to grant cash awards or honorary recognition.

k. The termination of the initial appointment of a probationer to a competitive position for unsatisfactory performance.

l. Return of an employee from an initial appointment as a supervisor or manager to a nonsupervisory or nonmanagerial position for failure to satisfactorily complete the probationary period.

m. An action taken under the terms of a formal agreement voluntarily entered into by an employee which either assigns the employee from one geographical location to another, or returns an employee from an overseas assignment.

n. A separation action not otherwise excluded above.

m. Oral admonishments and letters of caution.

n. A decision to include an employee's position in the pool or activity positions subject to random drug testing.

o. A matter excluded from coverage under a negotiated grievance procedure.

7. Deciding Official

a. For employees of the Marine Corps Air Station, Yuma, the Commanding Officer delegates authority to decide grievances to the Executive Officer. The Executive Officer may not act in that capacity on any matter in which he was previously involved. In such case, the Commanding Officer will be the deciding official. If the Commanding Officer has previously been involved, the next higher official in the chain of command will be the deciding official.

b. The Commanding Officer for the Yuma Commissary Store has delegated his authority to decide grievances to his Executive Officer. The deciding official may not act in that capacity on any matter in

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which he was previously involved. In such a case, the Complex Director will be the deciding official. If the Complex Director has previously been involved, the next higher official in the chain of command will be the deciding official.

8. Responsibilities

a. Grievants

(1) File the grievance with the deciding official in writing within 30 calendar days as specified in paragraph 9a below.

(2) Provide a clear statement of the issues.

(3) Indicate the specific personal relief sought.

b. Deciding Officials

(1) Determine whether to accept, reject, or remand all or part of the grievance.

(2) Determine which issues, if any, will be investigated if the grievance is accepted.

(3) Determine whether to allow the grievant's choice of representative.

(4) Give fair and objective consideration to the grievance.

(5) Determine the method to resolve the grievance, which may include one or more of the following:

(a) Use the facts presented in the grievance.

(b) Personally conduct a fact-finding inquiry.

(c) Initiate third party fact-finding, resulting in written findings of fact submitted to the deciding official. The deciding official may request the fact-finder to make recommendations.

(d) Initiate a hearing to be conducted by a hearing examiner. The examiner will provide the deciding official with a report of findings and recommendations.

(6) Issue a final decision within the established time limits.

c. Civilian Personnel Office. The servicing civilian personnel office will:

(1) Provide advice, guidance and necessary assistance on the processing of grievances and in obtaining a fact finder or hearing examiner.

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(2) Maintain grievance files established by the deciding official for a period of three years after the case is closed.

9. Rights of Grievants and Representatives

a. Grievants have the right to be accompanied, represented and advised by a representative of their own choice in processing a grievance under this order, except as noted in paragraph 9b.

b. Grievants have the right to communicate with and seek the advice of the Civilian Personnel Office, an Equal Employment Opportunity Counselor, or a Civilian Employee Assistance Program Counselor. The Civilian Personnel Officer has been designated counselor for items such as conflict of interest which come within the purview of Federal Personnel Manual (FPM) 735.

c. Grievants and their representatives are entitled to freedom from restraint, interference, coercion, discrimination or reprisal in presenting a grievance.

d. Grievants and their representatives are entitled to reasonable amount of official time, as determined by the deciding official, to present a grievance if they are employees and are in a duty status.

10. Processing Grievances

a. Time Limits for Submission. Grievances must be submitted in writing to the deciding official within 30 calendar days from the date of the act or occurrence giving rise to the grievance, or from the date the employee became aware of the act or occurrence. Failure to do so may be the basis for rejection. However, review should be made to determine whether timely filing was within the grievant's (representative's) control.

b. Informal Resolution. While not required by this order, employees are encouraged to attempt resolution of potential grievances informally through their supervisor and department head. Potential grievances involving ratings of qualifications or rankings under the merit staffing program may be resolved by meeting with a staffing specialist at the Civilian Personnel Office. Potential grievances involving performance appraisals may be taken up with the reviewer. The immediate supervisor or the official to whom the matter is referred will take appropriate steps to attempt resolution in a timely manner. These steps may include meeting with the employee, conducting appropriate inquiries, interviews, research, etc. Attempts to informally resolve potential grievances will not relieve an employee from the requirement to file a formal grievance with the thirty-day period in paragraph 9a, above.

c. Disallowance of Grievant's Representative. The deciding official may disallow the choice of an individual as a representative which would result in a conflict or apparent conflict of interest or position, a conflict with the priority needs of the activity or would

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give rise to unreasonable cost to the Government. If a deciding official disallows the grievant's choice of representative, that decision may be grieved to the next higher level of management. The decision on that grievance is final and not subject to further review.

d. Acceptance, Rejection and Remand. The deciding official will determine whether to accept or reject in whole or in part any grievance presented. In reaching a decision to accept or reject a grievance, the deciding official will determine if the grievance meets the requirements in paragraph 7a. If the issue(s) of the grievance or the relief sought are not clearly described, the deciding official may remand the grievance to the grievant for clarification or additional information. If a deciding official rejects all or part of a grievance, that decision may be grieved to the next higher level of management. The decision on that grievance is final and not subject to further review.

e. Cancellation of a Grievance. A grievance may be cancelled by the deciding official:

(1) At the employee's request.

(2) Upon termination of the employee's employment unless the personal relief sought may be granted after termination of the employment.

(3) Upon the death of the employee unless the grievance involved is a question of pay.

(4) For failure to prosecute if the employee does not furnish required information and duly proceed with the advancement of the grievance.

(5) If the deciding official cancels a grievance, that decision is appealable to the next higher level of management.

f. Fact-finding or Hearing. The deciding official will determine whether fact-finding or a hearing is necessary in order to obtain sufficient information on which to base a decision. If fact-finding or a hearing is necessary, the deciding official will identify the issues which are to be addressed. The fact finder or hearing examiner must address those issues. If fact-finding is undertaken, a written report of the findings will be submitted to the deciding official. If a hearing is determined necessary by the deciding official, the Civilian Personnel Office will request the Office of Civilian Personnel Management Regional Office or equivalent to appoint a hearing examiner. The deciding official will establish a time frame for completion of the fact-finding or hearing process. Fact-finding on grievances involving a rating or ranking for promotion will include a review by a subject matter expert in merit promotion rating and ranking procedures, who was not involved in the original rating and ranking.

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g. Decision by the deciding official. A written decision, containing pertinent findings and the reason(s) for the decision will be issued by the deciding official within 90 days of filing if a hearing is not held or within 120 days if a hearing is held.

h. Grievance file. A grievance file will be established by the deciding official when fact-finding or a hearing is involved. The report of the fact finder or hearing examiner must be included and the file must be made available to grievant and his or her representative for review and comment prior to issuing a decision.

i. Combining grievances. When two or more employees within the same activity have identical grievances (i.e., the dissatisfaction expressed and the relief requested are the same), the grievances will be joined and processed as a one grievance. The employees will be so notified and required to designate a common representative.

j. Grievances against another activity. An employee of one activity may present a grievance to the head of another activity which took the action being grieved. Travel expenses and per diem are not authorized in the pursuit of a grievance against another activity. The grievance will be processed in accordance with procedures of the activity against which the grievance is filed.

k. Allegations of discrimination. If an allegation of discrimination because of race, age, sex, color, national origin, religion or handicap (physical or mental) is raised at any stage of the grievance procedure, the deciding official will inform the grievant in writing that introduction of the allegation will serve to terminate processing of the matter under this procedure. The grievant must be given the opportunity to withdraw the allegation and continue under the administrative grievance procedure or proceed under the discrimination complaint procedure commencing with the counseling stage. The grievant's decision must be documented and made a part of the grievance file. If the grievant decides to pursue the matter under the discrimination complaint procedure, the grievance shall be cancelled, the grievant notified, and the grievance file forwarded to the Civilian Personnel Office.


C. T. DUNSTAN
By direction

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